

STANDARD OIL DEFIES THE LAW

SO THE CORPORATION BUREAU REPORTS TO THE PRESIDENT.

Refuses to Act as a Common Carrier, Falls to File Tariffs, Charges Exorbitant Rates and Tries to Destroy Competition by Unfair Means for Enormous Profits.

WASHINGTON, May 19.—Herbert Knox Smith, Commissioner of Corporations, submitted to the President to-day the bureau's second report on the oil industry. The first report, issued in May, 1906, when James R. Garfield was head of the bureau, contained a sensational charge against the Standard Oil Company in regard to rebates. This second report, which deals with "selected topics," is fully as severe on the Standard Oil Company as the first.

It attempts an analysis of the monopoly which the Standard has gained and declares that this has been maintained not through the control of natural resources but through the use of unfair practices. The Commissioner accuses the Standard Oil Company of ignoring and evading the common carrier requirements in the rate law of 1906 and suggests that this should receive the President's careful attention. A letter from the Commissioner to the President gives a summary of the report.

The Commissioner tells the President that in 1904, the year selected for reference in the general study of conditions, the Standard Oil Company and affiliated concerns refined more than 44 per cent. of the crude oil run through refineries; produced more than 86 per cent. of the country's total output of illuminating oil; maintained a similar proportion of the export trade in illuminating oil; transported through pipe lines nearly nine-tenths of the crude oil of the older fields and 98 per cent. of the crude oil of the midcontinent or Kansas field; secured more than 88 per cent. of the sales of illuminating oil to retail dealers throughout the country and obtained in certain large territories as much as 99 per cent. of such sales. The Commissioner adds that the company also controlled practically the same proportions of the production and marketing of gasoline and lubricating oil.

"The Standard," says the Commissioner, "has as its only competitors in the refining business about seventy-five small refineries, whose total consumption of crude oil is less than that of a single one of the Standard's refineries. It has, moreover, been able to wit, the Bayonne refinery, and less than one-fifth of the Standard's total consumption. Over fifteen of these competitors are dependent for their supply of crude oil upon the Standard's pipe lines, and are so restricted by this dependence as to be capable of little effective competition or growth. In the pipe line business of the Eastern and midcontinent fields it has up to the present but one competitor of any significance—the Pure Oil Company—and that competitor's pipe line business is not more than one-twentieth of that of the Standard."

"The monopoly of this concern," the Commissioner continues, "has never rested on ownership of the source of supply of crude oil. Not over one-sixth of the total production of crude oil in the country in 1905 came from wells owned by the Standard. It cannot be too strongly emphasized that its growth and present power rest primarily on the control of transportation facilities in one form or another. Additional means of domination have been found in local price discrimination and other unfair competitive methods in the sale of products, as well as in the elimination of the jobber, but throughout its entire history the factor of transportation has been the keystone of its success."

The Commissioner points out that the system of railway discriminations allowed the Standard to control substantially that link in the business that lies between the refinery and the consumer. "By means of its great pipe line system," the Commissioner adds, "it also controls the gap between the producer of oil and the consumer. It has now a pipe line system of more than 40,000 miles, covering completely the Appalachian, Lima-Indiana, Illinois and midcontinent fields, with great trunk lines running to the seaboard and to the great markets and distributing centres where its largest refineries are located. All attempts on the part of others to construct competing lines have been bitterly opposed by the Standard and usually with success. By means of vexatious litigation, and by emptying of rights of way by the aid of railroads which refused rights of way across their lines and adjusted their rates so as to injure competing pipe lines, by paying local discriminating premiums for crude oil in the limited areas reached by rival lines, the Standard has been able practically to prevent the rise of any efficient competitor in the pipe line business from the older fields to the Atlantic seaboard or has destroyed or absorbed rivals already established."

Another important element in the Standard's control over the industry, as Commissioner Smith sees it, consists in the company's marketing methods.

"It uses very generally," the Commissioner says, "the bulk system of delivery in which tank wagons—a cheaper, safer and far more efficient method of delivery than by barrels. This not only reduces the cost of marketing greatly but also has eliminated largely the jobber from the business. Dealing thus directly with the retailer, the Standard is enabled to arrange such local price differences as it may desire for the purpose of destroying local competition without disturbing its sales over any large section of trade. The tank wagon system of the Standard is as complete as its system in other branches. The bureau received returns on this subject from 5,300 retail dealers throughout the country. Of the towns in which tank wagon deliveries were reported, such deliveries were made by the Standard in over 97 per cent."

The Commissioner finds five distinct points evidencing the Standard's hostile attitude toward the common carrier requirements in the 1906 Federal rate law. The first of these points is that several of the Standard's pipe lines engaged in interstate commerce have filed no tariffs whatever with the Interstate Commerce Commission and have refused to transport oil for other producers. The Commissioner names four important pipe lines which have failed to file any tariffs—the Prairie Oil and Gas Company, the Ohio Oil Company, the New York Transit Company and the Petroleum Pipe Company, Ltd.

"The Prairie Oil and Gas Company," says the Commissioner, "has at least twice refused the act of 1906 was passed refused to transport oil when requested to do so. All of these lines are clearly engaged in interstate business."

Commissioner Smith finds further that in the case of the Prairie Oil and Gas Company and the Ohio Oil Company it had not been the custom prior to 1906 to hold oil in storage for producers, as was done by the Eastern lines. Instead, these companies had taken title to all oil received by them from the moment it entered the pipes, and held it there, according to the Commissioner, have continued the policy to the present.

"This," says the Commissioner, "is obviously a failure to comply with the interstate commerce act, which requires all interstate pipe lines to act as common carriers."

Inasmuch as the production of crude oil in the midcontinent and Illinois fields together is now 50 per cent. greater than

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the combined production in the Appalachian and Lima-Indiana fields, the failure of these two pipe lines, which constitute practically the only outlets from the former fields, to transport oil for others is said by the Commissioner to have an extremely important effect in preventing these new fields from becoming a source of supply for independent refineries and in keeping down the price of crude oil in these fields.

In regard to the Tidewater Pipe Company's announcement that it would no longer do a public business but receive only such oil as it purchased outright, the Commissioner says:

"This seems nothing less than an open defiance of the law. The Commissioner finds a second evidence of hostility in the fact that in the tariffs filed by Standard companies no rates have been made for intermediate points and desirable destinations, but most rates apply only to intermediate points to which no one wishes to ship or to points where only Standard refineries exist. As examples the Commissioner mentions New York harbor and Baltimore. Instead of quoting rates for these important points the tariffs quote numerous rates to such intermediate points as Centerburg, Pa., Fawcett, Pa., and Unionville, N. Y."

"These are not refining points and are at such a distance from the water as to make the rates absolutely useless to independent oil shippers, who could not afford to pay the rail haul from such intermediate stations to final destination. It is obvious, therefore, that the intent of such quotations is to make the law a dead letter."

The third complaint that the Commissioner has is that all tariffs filed thus far, except those for purely local service, require an unreasonably large amount of oil to be shipped at a single time. Mr. Smith says that with the single exception of shipments from a few points to Olean, N. Y. (where only the Standard has a refinery), the minimum amount of crude oil which the Standard has offered to accept for shipment from any point in the Appalachian field to a single destination is 75,000 barrels, and from the Lima-Indiana field it has insisted upon single shipments of 300,000 barrels. The Commissioner says:

"When it is stated that many independent refineries in the Appalachian field do not use 75,000 barrels of crude oil in a year and that very few use over 200,000 barrels the unreasonableness of this provision is obvious. In view of this virtually impossible condition there can be no question whatever as to the attitude of the Standard toward the new rate legislation."

The Commissioner charges further that the Standard lines have since the 1906 law was passed changed their policy of publishing the cost of transportation at 5 cents per barrel transported, and a stock of oil, so as to make such information of much less value than before.

In the Commissioner's opinion the difficulties in the performance of the common carrier service by the pipe lines can be met by proper regulations. He adds: "It is undoubtedly true that the failure of the Standard to comply with the rate act thus far has been due to unwillingness rather than to any inherent difficulty in the service proposed."

The fifth and last point which the Commissioner makes against the Standard's attitude toward the common carrier regulations is that it has insisted upon the same or practically the same as railroad rates, and that these are enormously higher than the cost of transportation.

The bureau estimates that the operating cost of transporting crude oil from the several originating points of the trunk lines in the Appalachian field to the several tidewater points is \$1.33 cents per barrel of 42 gallons. The bureau adds an allowance for depreciation of 5 per cent. on the cost of reproducing the lines, which brings the total cost of transportation up to a little less than 6 cents a barrel. A return of 10 per cent. on the estimated cost of reproducing the lines would amount to about 5 cents per barrel transported, which, added to the cost of transportation, gives a total of about 11 cents a barrel. The trunk line rate from Philadelphia to New York is 11 cents, and the rate from Philadelphia to New York is 11 cents.

The Commissioner in his letter to the President reports that the pipe line rates are from three to six times as great as they should be, taking into consideration all the costs of operation, maintenance, depreciation and profit on investment.

The Commissioner sums up his findings for the President in this paragraph: "In brief, the history and present operation of these Standard pipe lines shows that throughout the last thirty-five years a substantial monopolization of the petroleum industry of the country, a deliberate destruction of competition, and a consequent control of the industry by less than a dozen men who have reaped enormous profits therefrom. The commercial efficiency of the Standard, while very great, has been consistently directed not at reducing prices to the public and thus maintaining its predominant position through superior service, but rather at crippling existing rivals and preventing the rise of new ones by vexatious and aggressive attacks upon them and by securing for itself most unfair and wide-reaching discriminations in transportation facilities and rates, both by railroad and by pipe line, while refusing such facilities so far as possible to all competitors."

"None of the other cases has yet come to argument," he says, "but in every case that has so far been determined in connection with these indictments the facts set forth in the said report on the transportation of petroleum and the positions therein taken have been completely sustained."

SOUTH OF FRANCE THREATENS

130,000 WINE GROWERS DEMONSTRATE AT PERPIGNAN.

War Against Beet Sugar Adulteration Urged on Clemenceau Ministry—Unnecessary Soldiers Provoke People—Odd Placards: Flags in Mourning.

Special Cable Dispatch to THE SUN. PARIS, May 19.—News that the Midi, the wine-growing region of France, is stirring, is ordinarily like the regulation despatch telling in advance that Delaware's peach crop has failed, for the Midi is agitated about as often as the peach crop promises to be a failure. But peach crops do fail, and the Midi when it does get moving usually attains its object.

For while the first news that the Midi is aroused is usually discounted as a false alarm, when it is once seen that the Meridional mean business their demands are heeded much of the effect of the man "Dewar the wrath of the patient man."

Last Sunday's demonstration at Beziers was if anything exceeded to-day at Perpignan, when records from official sources give 130,000 as the number of people assembled from the surrounding departments to demand relief through the Government from the distress into which the whole country thereabouts has fallen through stagnation in the wine industry.

The Meridionalists have antagonists and apologists. Some declare that the present sufferings are the rational punishment of a people who have turned their whole country practically into vineyards. Others avow openly that the Government ought to be roundly condemned for permitting the beet sugar industry and other means for the production of fraudulent wines to menace thus a genuine national industry of a large portion of France.

The present crisis is made the occasion for bringing forth again the charge made in the Chamber of Deputies that 15,000 hectolitres of fraudulent wine were bought by the Public Charities Department in Paris, and reiteration of the statements that favoritism secures immunity for the swindlers through parliamentary influence, as called to task six months ago.

There is no doubt that the Midi is stirred to its depths and grave threats of trouble are made if relief is not given before the annual taxes are due in June. All the threats and all the agitation of the General Confederation of Labor in Paris have been vain. The workmen have not supported the leaders in demanding concessions from their employers. No large number of workers has attempted to assemble in the city of millions, but down in the Midi thousands of people of all classes march about when they cannot take trains to demonstrate peacefully that they must have relief or starve.

Trains entered Perpignan to-day at first every fifteen and then every five minutes and throngs walked. The people of Castel took up their march at 4 o'clock this morning and arrived this afternoon after walking forty-eight miles white with dust. When the brilliant sun rose in the azure sky 15,000 people were encamped in the streets or below the ramparts and others were coming all day until noon and after.

Peasants from the various provinces came in their native costume and headdress, some with bronzed faces and long head coverings over jet black hair, making a picturesque ensemble as the men, women and children marched behind drummers and trumpeters and standard bearers, with flags draped in mourning. Some of the women wore mourning garb. Some bore nursing babes at their breasts. From Boulogne came 400 each of men and women, the Mayor leading. A solitary working man walked alone, carrying a pole with one of the tools of his trade attached and a placard reading: "Tools for sale. Behold where fraud leads us."

Other placards read: "Swindlers to the pillory; their protectors to the sewer."

"Bread or a gun."

"The cry of the belly: Our stomachs are as fat as old bugs."

"We will show what those can do who would not die."

"We will die fighting rather than perish working."

"Behold to-morrow" was the inscription on one banner and below it was pictured a wretch picking inedible snails from an uncultivated vine. Under the banner of Cruissan marched fifteen women carrying babies at the breast.

At 11 o'clock there were 60,000 people and at 1 o'clock 80,000. So the crowds grew. The railway station was an indescribable hubbub. The military were ready for any emergency, but up to the time the people began to return homeward there was no trouble beyond the great crush on the trains and roads.

A committee telegraphed to Prime Minister Clemenceau that a blunder was committed in sending soldiers to the demonstration as peaceable as that of Sunday and the military's presence was merely a provocation. It would have been better worth his while to listen to the demands of a dying industry. The committee also addressed the demonstrators, urging calm force and no violence. They said:

"We have public opinion? Why? Because you have proved that though miserable you are brave, though unfortunate dignified, that while strong you are calm, while resolute pacific. What you have been it is necessary to be until the final demonstration. No hostile cries, no violence toward things or people. The enemies of honest viticulture await only that to rout you."

To-day's demonstration was made by residents of the departments of Hérault, Aude and Pyrénées-Orientales. It may be mentioned that comparatively little wine from these districts reaches America, as it does not meet the market conditions like the standardized Bordeaux. The growers used to think it came to Paris and it was largely to relieve the Midi that the octor taxes were removed on the plea that the Paris poor might have wine cheap. Native and foreign residents of Paris are now praying for the reimposition of taxes to meet the abolished octor, but the Midi's distress is the Paris wine sellers.

QUEEN GIVES UP NURSING.

Nurse From Santander Chosen For Her to Crown of Spain.

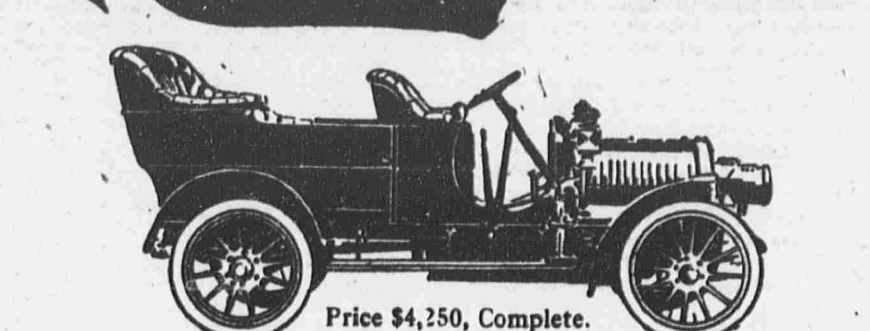
Special Cable Dispatch to THE SUN.

MADRID, May 19.—El Universo says that the Queen, recognizing that the high duties imposed on a sovereign will prevent her from completely fulfilling her maternal duties, has given up nursing her son herself and has sent for a nurse from the Province of Santander.

Child Falls From Fifth Story.

Mrs. John Boumgar, the wife of a laborer living in a fifth floor flat at 561 West Fifth street, left her three-year-old baby girl, Mary, playing in the front room yesterday afternoon, while she went into the kitchen to do some work. While she was gone the child climbed to the window and fell to the street. Every bone in the child's body was broken.

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STOLYPIN TO CHALLENGE DUMA

WILL DEMAND A VOTE SHOWING ABHORRENCE OF TERRORISM.

Thirty-eight Allies of the London Congress Arrested on the Premises of the Social Democratic Group—Feroocious Campaign On Against the Government.

Special Cable Dispatch to THE SUN. ST. PETERSBURG, May 19.—Prime Minister Stolypin will address the Duma to-morrow in response to a challenge from the Social Democrats. He will take occasion to require the Duma to record by vote its abhorrence of revolutionary terrorism.

He has full authority to decide when the Duma becomes a danger to the régime and when its dissolution should be ordered. His action to-morrow will be based upon the Government's arrest of thirty-eight persons last night on the premises of the Social Democratic group in the Duma.

Only two of those arrested are members of the Duma and neither of them participated in the London congress. A majority were workmen, delegates from Moscow and St. Petersburg, and the purpose of their meeting was to arrange means for making known the decisions of the London congress. M. Stolypin probably regarded the affair as an incident of party warfare, but for proofs that the terrorists are resuming a most ferocious campaign against members of the Government.

It should be stated that idle gossip regarding the great plot at Tsarskoe-Selo is ignored by the Premier, and no interpellation will be raised on the subject.

The event which precipitated the seizure of the terrorists' combination in Finland during the last few days was the arrest of a young man by the name of Grabovsky, lodging in a street near where the Duma meets, where was seized a large quantity of explosives. Subsequent investigation established that his visitors arrived in cabs, the drivers of which are locally unknown.

These have since disappeared, as have also a number of beds who had been selling in the view of the Finland railway station who were evidently signallers between the St. Petersburg group and their comrades in Finland. Eleven of the latter were arrested yesterday morning at the village of Hapela, five miles inside the Finland frontier.

The house where they were arrested was occupied by a quack doctor, who had been instructing the young Terrorists how to construct bombs. When the house was raided at 5 o'clock yesterday morning there were found eight bombs of terrific power similar to the one used at M. Stolypin's villa.

A son of the owner of the house who suspected the character of the doctor's visitors, who numbered about thirty, got his boy of 14 to look through a window. He saw the doctor conducting a sort of chemistry class. Some of those inside escaped and killed one of the soldiers during their flight across the frontier into Russia. Those arrested include two students of the Moscow and St. Petersburg universities.

SCOLDING FOR BERLIN.

Just a Big Village, Says Dr. Neufeld—Some Unhappy Inhabitants.

Special Cable Dispatch to THE SUN.

BERLIN, May 19.—Dr. Neufeld, writing in the new weekly, *Begeiter*, has harsh things to say of Berlin, which he declares, is no more than a large village. He comes to this conclusion after careful study of London, New York and Paris, among examples, as justifying the verdict.

He describes how, having occasion for a business meeting with a great German manufacturer employing thousands of hands, he found him without collar, tie or cuffs, enveloped in a coarse woollen garment instead of a shirt, wearing boots worth \$2 a pair and smoking a one cent cigar.

The next day he visited a great German scientist and found the celebrated scholar with an unwashed neck, unclean hands and a filthy coat. He declared that in society he found Berlin ladies as a rule dressed like kitchen maids on a rainy winter Sunday, while shopkeepers, waiters and clerks were far less polite and obliging to strangers than their like in London, New York and Paris.

The Weather.

It was warmer in all the Atlantic States yesterday because of the passing of a low pressure area out of the St. Lawrence Valley and the presence of an area of high pressure on the south Atlantic coast throwing off southerly winds.

It was cooler in the central States and the Lake regions, but warmer in other districts west of the Mississippi.

Cloudy and showery conditions prevailed over the Lake regions and eastward to the New England States. There were scattered showers also in the lower Mississippi Valley. Elsewhere the weather was generally fair.

In this city the day was generally fair and warmer; thunderstorm at night; wind, fresh to brisk southerly; average humidity, 87 per cent.; barometer, 30.0; wind to read sea level, at 8 A. M., 29.88; at 2 P. M., 29.83.

The temperature yesterday as recorded by the official thermometer is shown in the annexed table:

8 A. M. 67° 78° 6 P. M. 74° 82°
10 A. M. 68° 79° 8 P. M. 75° 83°
12 P. M. 70° 81° 12 M. 76° 84°

Highest temperature, 77°, at 2:30 P. M.

For the District of Columbia and Maryland, fair to day and to-morrow; light northeast to north winds.

For Delaware, partly cloudy to-day; fair to-morrow; light to fresh northwest to north winds.

For New Jersey, partly cloudy to-day and to-morrow; light to fresh northwest to north winds.

For New England, fair in west and showers in portions to-day; followed by clearing and cooler; fair to-morrow; fresh west to northwest winds.

For western Pennsylvania, fair and warmer to-day; fair to fresh northwest to north winds.

FIGHT PORTUGUESE GAG LAW.

Lisbon Newspaper Says Premier Is Insane to Make a Test Case.

Special Cable Dispatch to THE SUN. LISBON, May 19.—The editor of *O Mundo*, who was prosecuted under the new press law for stating that the Prime Minister was insane, was convicted and fined \$110 and condemned to pay the costs of the action.

The trial was interesting as the offence was committed in order to make a test case to determine the validity of the law, the terms of which are harsh.

A committee of public prosecutors is entrusted with arbitrary powers of censorship over every newspaper in Portugal. The administrators of the law prosecute offenders with punctilious severity. The newspapers, bent upon showing the absurdity of the law and getting it revoked, publish inflammatory articles and engage famous harriers to defend them.

With this object in view, *O Mundo* declared that the Premier was insane. It engaged the best known alienists and counsel and was prepared to push the case to the most ridiculous extreme, but the Court would allow no discussion of the Premier's mental condition. It also declined to grant the request of the defence that the Premier should be called to speak in his own behalf.

The defence's witnesses, however, were examined by the cleverest lawyers, who made a brilliant attack upon the law. It is believed that the case will ultimately result in the repeal of the obnoxious statute.

UNPARALLELED BYZANTINISM.

Nine Months Sentence for Putting Out Tongue at the Kaiser.

Special Cable Dispatch to THE SUN.

BERLIN, May 19.—A laborer named Bruening, employed as a mason's assistant, was drinking schnapps all one morning last November. He put out his tongue at the Kaiser as his Majesty went past in an automobile.

The Kaiser did not see his act, but a policeman did, and Bruening was arrested. He was tried a few days ago. The Public Prosecutor suggested that a fortnight would be ample punishment, as Bruening was undoubtedly tipsy when the act was committed.

The Court postponed sentence until yesterday, when it condemned the man to nine months imprisonment. The Progressive journals are protesting against this "unparalleled Byzantinism."

PUBLIC FUNERAL FOR DR. WATSON

Body of the Famous Clergyman and Novelist Reaches Liverpool.

Special Cable Dispatch to THE SUN.

LIVERPOOL, May 19.—The body of the Rev. John Watson (Ian Maclaren), who died while on a lecturing tour in the United States, was brought here on the steamer *Umbria*. It was met by the elders of the Liverpool Congregational Church and by Mr. Watson's sons, Frank and Harry.

The coffin, which has a glass cover, was removed to the lecture hall of the Sefton Park Church, which had been converted into a mortuary chapel. The funeral will take place next Thursday. At the request of the Lord Mayor it will be of a public character.

POPE FINDS OBSERVATORY.

Earthquakes and Volcanoes to Be Studied Near Site of Pompeii.

Special Cable Dispatch to THE SUN.

ROME, May 19.—The astronomical observatory erected at the expense of the Pope was inaugurated to-day at Villa di Pompeii, near Naples.

Father Alfani, director of the Florence Observatory, made the inaugural speech, in which he praised the Pope's initiative. He said the new observatory was destined to become equally as celebrated as that of the Vatican.

Director Hagan and Vice-Director Manucci of the Vatican Observatory attended.

WILL REMEMBER TIP.

Women Will Decorate Grave of Fireman's Life Saving Dog.

The grave of Tip, who used to lead Engine 3 to Brooklyn fires, will be covered with flowers on Memorial Day by several Brooklyn women. Tip is buried in the engine house yard on Clymer street and at the head of his grave there is a marble slab that reads:

"Here lies Tip, a brave dog, who died April 20, 1907, at the age of 12 years. He was killed by the horses of Engine 3 at Robbing street and Division avenue while he was running ahead of the apparatus barking warnings to all who might get in the way. He slipped and fell beneath the feet of the horses and was picked up dead."

Yesterday two handsomely dressed women drove to the headquarters of Battalion Chief Howe, in the building where Engine 3 is kept, and asked the chief to let them decorate the grave on Memorial Day. Of course he told them that they might.

Tip had a life saving record. He once saved two firemen and a sometime after that was found on the second story of a burning building pulling at the dress of a baby. He went with the engine to every fire for many years and was the best known fire dog in Brooklyn.

BATING STRIKE BREAKERS.

Labor Men Severely Wound Seventeen to Make Sunday Holiday Merry.

INDIANAPOLIS, May 19.—Seventeen strike-breakers were seriously injured and thirty others cut with glass and struck with stones and other missiles to-day as a result of attempts to run cars in Evansville, Ind. It was a holiday for the laboring people and hundreds availed themselves of the opportunity to crowd the streets and stone the scabmen and conductors.

Every kind of missile was used. Bricks, lumps of coal, scorpion, bottles and sticks were hurled at the strikebreakers, but not an arrest was made.

A special meeting of the board of public safety has been called for to-morrow and unless the company gets protection the Governor will be asked to use the militia.

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THIS DAY (MONDAY), MAY 20th, WILL HOLD A SALE OF

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FOR GRADUATION GIFTS: JEWELLED NOVELTIES IN FESTOON NECKLACES AND NECK CHAINS; MESH BAGS AND PURSES, BRACELETS, BROOCHES; TORTOISE SHELL AND AMBER COMBS.

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ORANGE SLIGHTS GOV. STOKES.

Doesn't Ask Him to Sit With Distinguished Guests at the Centennial.

ORANGE, N. J., May 19.—Though Gov. Edward C. Stokes has